

DOCKET NO.: L0461.70073US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gure, et al.
Serial No.: 09/489,101
Confirmation No.: 5361
Filed: January 21, 2000
For: SMALL CELL LUNG CANCER ASSOCIATED ANTIGENS AND
USES THEREFOR
Examiner: Thái-An N. Ton
Art Unit: 1632

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Thái-An N. Ton, FAX number 703-872-9306, Mail Stop AF, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 17th day of November, 2003.


John R. Van Amsterdam, Ph.D.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

This letter sets forth the events pertaining to the filing of an amendment responsive to the Final Office Action of May 15, 2003.

Applicant filed an Amendment After Final on August 13, 2003 (copy enclosed). A postcard enclosed with the Amendment was stamped as received by the United States Patent and Trademark Office on August 15, 2003. A copy of the stamped postcard, proving receipt by the United States Patent and Trademark Office also is enclosed.

No communication from the U.S.P.T.O. has been received by Applicant following filing of the Amendment After Final. With the final extension deadline of November 15, 2003 approaching, Applicant's representative placed a telephone call to Examiner Ton on November 13, 2003 to discuss the status of the case. The Examiner indicated that none of the papers filed August 13, 2003 had been matched with the file and that no action had been taken. Following consultation with the Examiner's supervisor, the Examiner suggested filing a Notice of Appeal

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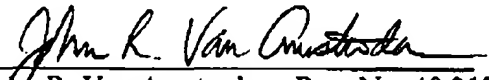
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and three month extension petition to maintain pendency of the application, and also re-filing the Amendment After Final. These papers are filed herewith.

Applicant also files herewith a Request for Refund of the three (3) month extension fee and the Notice of Appeal fee. Applicant timely filed a response to the Final Office Action of May 15, 2003, as evidenced by the enclosed stamped postcard. The requirement for filing these fees is therefore entirely due to the U.S. Patent and Trademark Office's apparent loss of Applicant's properly filed papers. Applicant should not bear the cost of the delay, and therefore respectfully requests a refund of the fees filed herewith.

Respectfully submitted,

By: 
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